Supreme Court, U.S.
FILED
MAR 2 - 2015
OFFICE OF THE CLERK

No. 14-275

IN THE

Supreme Court of the United States

MARVIN D. HORNE, *et al.*,

Petitioners,

v.

UNITED STATES DEPARTMENT OF AGRICULTURE,

Respondent.

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

JOINT APPENDIX

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March 2, 2015

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Petition for Writ of Certiorari Filed September 8, 2014
Certiorari Granted January 16, 2015

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UNITED STATES OF AMERICA
DEPARTMENT OF AGRICULTURE

I, Edward T. Schafer, Secretary of the United States Department of Agriculture, do hereby certify that the annexed copy, or each of the specified number of annexed copies, is a true, correct and compared copy of a document in my official custody as hereinafter described:

In re: Marvin D. Horne and Laura R. Horne, d/b/a Raisin Valley Farms, et al.

Respondents

AMAA Docket No. 04-0002

Date	No.	PROCEEDINGS
04/01/2004	1	Complaint filed April 1, 2004 by AJ Yates, Administrator of Agricultural Marketing Service
04/14/2004	3	Respondents' Answer and Response to the Complaint filed April 14, 2004, by Marvin D. Horne and Laura Horne, Respondents
04/19/2004	5	Respondents' Motion to Dismiss filed April 19, 2004, by Marvin D. Horne and Laura Horne, Respondents

Date	No.	PROCEEDINGS
04/22/2004	6	Complainant's Opposition to Respondents' Motion to Dismiss filed April 22, 2004, by Frank Martin, Attorney for Complainant
10/07/2004	18	Motion for Discovery and Summary Judgment with Prejudice in favor of Respondents (FAX) filed October 7, 2004, by Marvin Horne and Laura Horne, Respondents
10/13/2004	20	Complainant's Opposition to Respondents' Motion for Discovery and Summary Judgment filed October 13, 2004, by Frank Martin, Attorney for Complainant
10/25/2004	24	Order Denying Discovery and Motion for Summary Judgment filed October 25, 2004, by Victor W. Palmer, Administrative Law Judge
10/25/2004	27	Amended Complaint filed October 25, 2004, by Frank Martin, Attorney for Complainant
11/15/2004	32	Answer to Amended Complaint filed November 15, 2004, by Marvin Horne and Laura Horne, Respondents

Date	No.	PROCEEDINGS
01/21/2005	40	Amended Answer filed January 21, 2005, by David Domina, Attorney for Respondents
01/31/2005	46	Respondents' Second Amended Answer (FAX) filed January 31, 2005, by David Domina, Attorney for Respondents
03/04/2005	147	Transcript of Hearing held February 8, 2005, in Fresno, California Before: Honorable Victor W. Palmer, Administrative Law Judge, filed March 4, 2005. Transcripts pages: 1 through 7
03/04/2005	148	Transcript of Hearing held February 9, 2005, in Fresno, California Before: Honorable Victor W. Palmer, Administrative Law Judge, filed March 4, 2005. Transcripts pages: 8 through 402
03/04/2005	149	Transcript of Hearing held February 10, 2005, in Fresno, California Before: Honorable Victor W. Palmer, Administrative Law Judge, filed March 4, 2005. Transcripts pages: 403 through 863

Date	No.	PROCEEDINGS
03/04/2005	150	Transcript of Hearing held February 11, 2005, in Fresno, California Before: Honorable Victor W. Palmer, Administrative Law Judge, filed March 4, 2005. Transcripts pages: 864 through 1017
04/14/2005	50	Complainant's Proposed Findings of Fact, Conclusions of Law, Order, and Brief in Support Thereof filed April 14, 2005, by Frank Martin, Attorney for Complainant
05/17/2005	52	Respondent's Proposed Findings of Fact, Conclusions of Law, Order, and Brief in Support filed May 17, 2005, by David Domina, Attorney for Respondents
06/17/2005	55	Complainant's Reply Brief filed June 17, 2005, by Frank Martin, Attorney for Complainant
08/03/2005	57	Order Authorizing Amendment of Complaint to Conform to the Evidence filed August 3, 2005, by Victor W. Palmer, Administrative Law Judge

Date	No.	PROCEEDINGS
08/10/2005	58	Second Amended Complaint filed August 10, 2005, by Lloyd C. Day, Administrator for Agricultural Marketing Service
08/30/2005	63	Answer to Second Amended Complaint (FAX) filed August 30, 2005, by Don Durbahn, General Partner of Lassen Vineyards
08/30/2005	65	Answer to Second Amended Complaint (FAX) filed August 30, 2005, by Don Durbahn
08/31/2005	61	Answer to Second Amended Complaint (FAX) filed August 31, 2005, by Don Durbahn, Executor of Estate of Rena Durbahn
08/31/2005	67	Respondents Marvin Horne and Laura Horne d/b/a Raisin Valley Farms' Answer to Second Amended Complaint (FAX) filed August 31, 2005, by David Domina, Attorney for Respondents
09/06/2005	69	Answer to Second Amended Complaint filed September 6, 2005, by Don Durbahn, Executor of Estate of Rena Durbahn

Date	No.	PROCEEDINGS
09/06/2005	70	Answer to Second Amended Complaint filed September 6, 2005, by Don Durbahn, General Partner of Lassen Vineyards
09/06/2005	71	Answer to Second Amended Complaint filed September 6, 2005, by Don Durbahn
09/07/2005	72	Respondents Marvin Horne and Laura Horne d/b/a Raisin Valley Farms' Answer to Second Amended Complaint filed September 7, 2005, by David Domina, Attorney for Respondents
05/23/2006	151	Transcript of Hearing held May 23, 2006, in Fresno, California Before: Honorable Victor W. Palmer, Administrative Law Judge, filed March 4, 2005. Transcripts pages: 1 through 262
12/08/2006	120	Decision and Order filed December 8, 2006, by Victor Palmer, Administrative Law Judge

Date	No.	PROCEEDINGS
01/04/2007	122	Respondent's Opening Brief On Appeal to Judicial Officer, USDA filed January 4, 2007, by David Domina, Attorney for Respondents
01/04/2007	123	Respondent's Notice of Appeal, Request for Oral Argument, and Appeal Petition to USDA Judicial Officer filed January 4, 2007, by David Domina, Attorney for Respondents
02/15/2007	127	Complainant's Brief in Opposition to Respondents' Appeal of the ALJ's decision and Order filed February 15, 2007, by Frank Martin, Attorney for Respondents
03/27/2007	129	Respondent's Reply Brief on Appeal to Judicial Officer, USDA filed March 27, 2007, by David Domina, Attorney for Respondents
04/11/2008	132	Decision and Order filed April 11, 2008, by William G. Jenson, Judicial Officer
05/12/2008	137	Complainant's Petition to Reconsider the Decision and Order of the Judicial Officer filed May 12, 2008, by Frank Martin, Attorney for Complainants

Date	No.	PROCEEDINGS
06/03/2008	139	Respondents' Opposition to Plaintiff's Petition to Reconsider filed June 3, 2008, by David Domina, Attorney for Respondents
06/19/2008	141	Order Seeking Clarification filed June 19, 2008, by William G. Jenson, Judicial Officer
07/11/2008	142	Administrator's Response to the Judicial Officer's Order Seeking Clarification filed July 11, 2008, by Frank Martin, Attorney for Complainant
08/04/2008	143	Respondents' Submission Opposing the Administrator's Response to an Order Seeking Clarification filed August 4, 2008, by David Domina, Attorney for Respondents
09/18/2008	145	Order Granting Petition to Reconsider filed September 18, 2008, by William G. Jenson, Judicial Officer

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
Live System (Fresno)

CIVIL DOCKET FOR CASE #: 1:08-cv-01549-LJL-SMS

Horne, et al v. United States Department of Agriculture	Date Filed: 10/14/2008
Assigned to: District Judge Lawrence J. O'Neill	Date Terminated: 12/11/2009
Referred to: Magistrate Judge Sandra M. Snyder	Jury Demand: None
Case in other court: 9th Circuit Court, 10-15270	Nature of Suit: 891 Agriculture Acts
Cause: 18:4208(B) Agency Action Review	Jurisdiction: U.S. Government Defendant

Date	No.	PROCEEDINGS
10/14/2008	2	COMPLAINT FOR DECLARATORY RELIEF; REVIEW OF AGENCY ACTION against United States Department of Agriculture by Marvin D. Horne, Laura R. Horne, Raisin Valley Farms, Raisin Valley Farms Marketing Association, Don Durbahn, Estate of Rena Durbahn, Lassen Vineyards. Attorney Leighton, Brian C added. (Attachments: # 1 Exhibit JO's Decision and Order of 91808)(Leighton, Brian) (Entered: 10/14/2008)

Date	No.	PROCEEDINGS
12/18/2008	8	DEFENDANT UNITED STATES DEPARTMENT OF AGRICULTURE'S ANSWER to COMPLAINT FOR DECLARATORY RELIEF; REVIEW OF AGENCY ACTION/BILL OF EQUITY; REVIEW OF USDA'S DECISION UNDER THE AGRICULTURAL MARKETING AGREEMENT ACT by United States Department of Agriculture. Attorney Hall, Benjamin E. added.(Hall, Benjamin) (Entered: 12/18/2008)
08/28/2009	24	MOTION for SUMMARY JUDGMENT by Marvin D. Horne, Laura R. Horne, Raisin Valley Farms Marketing Association, Don Durbahn, Estate of Rena Durbahn, Lassen Vineyards, LLC. Motion Hearing set for 12/4/2009 at 01:30 PM in Courtroom 4(LJO) before District Judge Lawrence J. O'Neill. (Leighton, Brian) (Entered: 08/28/2009)

Date	No.	PROCEEDINGS
08/28/2009	25	MEMORANDUM by Marvin D. Horne, Laura R. Horne, Raisin Valley Farms Marketing Association, Don Durbahn, Estate of Rena Durbahn, Lassen Vineyards, LLC in SUPPORT of 24 MOTION for SUMMARY JUDGMENT. (Leighton, Brian) (Entered: 08/28/2009)
10/06/2009	26	MOTION for SUMMARY JUDGMENT by United States Department of Agriculture. Motion Hearing set for 12/4/2009 at 01:30 PM in Courtroom 4 (LJO) before District Judge Lawrence J. O'Neill. (Attachments: # 1 Memorandum of Points and Authorities in Support of USDA's Cross-Motion for Summary and in Opposition to Plaintiffs' Motion for Summary Judgment, # 2 Statement of Undisputed Facts in Support of Cross-Motion for Summary Judgment, # 3 Response to Plaintiffs' Separate Statement of Undisputed Facts in Support of Motion for Summary Judgment)(Hall, Benjamin) (Entered: 10/06/2009)

Date	No.	PROCEEDINGS
11/03/2009	29	OPPOSITION by Marvin D. Horne, Laura R. Horne, Raisin Valley Farms Marketing Association, Don Durbahn, Estate of Rena Durbahn, Lassen Vineyards, LLC to 26 MOTION for SUMMARY JUDGMENT, 24 MOTION for SUMMARY JUDGMENT. (Leighton, Brian) (Entered: 11/03/2009)
11/03/2009	30	RESPONSE by Marvin D. Horne, Laura R. Horne, Raisin Valley Farms Marketing Association, Don Durbahn, Estate of Rena Durbahn, Lassen Vineyards, LLC to 26 MOTION for SUMMARY JUDGMENT. (Leighton, Brian) (Entered: 11/03/2009)
11/19/2009	31	REPLY by United States Department of Agriculture to RESPONSE to 26 MOTION for SUMMARY JUDGMENT. (Hall, Benjamin) (Entered: 11/19/2009)
12/11/2009	34	ORDER DENYING 24 Motion for Summary Judgment ; GRANTING 26 Motion for Summary Judgment, signed by District Judge Lawrence J. O'Neill on 12/09/2009. CASE CLOSED (Martin, S) (Entered: 12/11/2009)

Date	No.	PROCEEDINGS
12/11/2009	35	JUDGMENT dated *12/11/2009* in favor of Defendant against Plaintiff pursuant to order (Martin, S) (Entered: 12/11/2009)
02/04/2010	36	NOTICE of APPEAL by Marvin D. Horne, Laura R. Horne, Raisin Valley Farms Marketing Association, Don Durbahn, Estate of Rena Durbahn, Lassen Vineyards, LLC. (Attachments: # 1 Civil Appeals Docketing Statement and Service List/Representative Statement, # 2 Judgment, # 3 Ordering Denying Motion for Summary Judgment)(Leighton, Brian) (Entered: 02/04/2010)

General Docket

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Court of Appeals Docket#: 10-15270
Nature of Suit: 2891 Agricultural Acts
Marvin Horne, et al v. AGRI
Appeal From: U.S. District Court for Eastern California, Fresno
Fee Status: Paid

Docketed: 02/05/2010
Termed: 05/09/2014

Case Type Information:
1) civil
2) united states
3) null

Originating Court Information:
District: 0972-1: 1:08-cv-01549-LJO-SMS
Trial Judge: Lawrence J. O'Neill, District Judge
Date Filed: 10/14/2008

Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:	Date Rec'd COA:
12/11/2009	12/11/2009	02/04/2010	02/04/2010

Date	No.	PROCEEDINGS
06/07/2010	7	Submitted (ECF) Opening brief for review. Submitted by Appellants Don Durbahn, Estate of Rena Durbahn, Laura Horne, Marvin Horne, Lassen Vineyards, LLC and Kaisin Valley Farms Marketing Association. Date of service: 06/07/2010. [7362513] (BCL)

Date	No.	PROCEEDINGS
07/21/2010	12	Submitted (ECF) Answering brief for review. Submitted by Appellee AGRI. Date of service: 07/21/2010. [7412395]--[COURT UPDATE: Attached corrected brief (footnotes). 07/22/2010 by RY] (BEH)
09/03/2010	18	Submitted (ECF) Reply brief for review. Submitted by Appellants Don Durbahn, Estate of Rena Durbahn, Laura Horne, Marvin Horne, Lassen Vineyards, LLC and Raisin Valley Farms Marketing Association. Date of service: 09/03/2010. [7463717] (BCL)
04/14/2011	24	ARGUED AND SUBMITTED TO STEPHEN R. REINHARDT, MICHAEL DALY HAWKINS and RONALD M. GOULD. [7717243] (BG)
07/25/2011	25	FILED OPINION (STEPHEN R. REINHARDT, MICHAEL DALY HAWKINS and RONALD M. GOULD) AFFIRMED. Judge: MDH Authoring, FILED AND ENTERED JUDGMENT. [7831175] (RP)

Date	No.	PROCEEDINGS
09/09/2011	30	Filed (ECF) Appellants Don Durbahn, Estate of Rena Durbahn, Laura Horne, Marvin Horne, Lassen Vineyards, LLC and Raisin Valley Farms Marketing Association petition for panel rehearing and petition for rehearing en banc (from 07/25/2011 opinion). Date of service: 09/08/2011. [7887818] (AB)
11/21/2011	39	Filed (ECF) Appellee AGRI response to Order to set response by any party to anything, Order , Combo PFR Panel and En Banc (ECF Filing) ,Combo PFR Panel and En Banc (ECF Filing) for panel and en banc rehearing, for panel and en banc rehearing (statistical entry). Date of service: 11/21/2011. [7974105]. (KBC)

Date	No.	PROCEEDINGS
12/30/2011	43	Filed (ECF) Appellants Don Durbahn, Estate of Rena Durbahn, Laura Horne, Marvin Horne, Lassen Vineyards, LLC and Raisin Valley Farms Marketing Association reply to to set response by any party to anything, , ,for panel and en banc rehearing,for panel and en banc rehearing (statistical entry). Date of service: 12/30/2011. [8016398]. (AB)

Date	No.	PROCEEDINGS
01/05/2012	44	Filed order (STEPHEN R. REINHARDT, MICHAEL DALY HAWKINS and RONALD M. GOULD) Defendant-Appellee shall file a surreply to Plaintiffs-Appellants' Reply Brief in Support of Petition for Panel Rehearing or Rehearing En Banc, filed with this court on December 30, 2011. The surreply shall specifically address, but is not limited to: (1) the relevance of Lion Raisins, Inc. v. United States, 416 F.3d 1356 (Fed. Cir. 2005), to the issues in this case; and (2) whether the Government, by claiming that the present case lies within the scope of Tucker Act jurisdiction, contradicts its previous position that Lion Raisins lies outside that scope. The surreply shall not exceed ten (10) pages, or 2800 words, and shall be filed within twenty-one (21) days of the filed date of this Order. [8020960] (SM)
02/16/2012	47	Filed (ECF) Appellee AGRI reply to to set response by any party to anything. Date of service: 02/16/2012. [8071323]. (KBC)

Date	No.	PROCEEDINGS
02/28/2012	48	Filed (ECF) Appellants Don Durbahn, Estate of Rena Durbahn, Laura Horne, Marvin Horne, Lassen Vineyards, LLC and Raisin Valley Farms Marketing Association Motion to file supplemental brief for petition for rehearing. Date of service: 02/28/2012. [8082388] (AB)
02/29/2012	49	Filed order (STEPHEN R. REINHARDT, MICHAEL DALY HAWKINS and RONALD M. GOULD) Plaintiffs-Appellants' Motion for Leave to File Supplemental Brief in Support of Petition for Panel Rehearing or Rehearing En Banc is DENIED. [8085426] (SM)

Date	No.	PROCEEDINGS
03/12/2012	52	Filed order (STEPHEN R. REINHARDT, MICHAEL DALY HAWKINS and RONALD M. GOULD) The opinion filed July 25, 2011, slip op. 9453, and appearing at ___ F.3d ___, No. 10-15270, 2011 WL 2988902 (9th Cir. 2011), is hereby amended per the Amended Opinion filed concurrently with this Order. The panel has voted to deny the petition for panel rehearing. Judges Reinhardt and Gould have voted to deny the petition for panel rehearing en banc, and Judge Hawkins has so recommended. The full court was advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35. The petition for rehearing and the petition for rehearing en banc are DENIED. No further petitions for rehearing or rehearing en banc will be accepted for filing. [8098690] (RP)
03/12/2012	53	Filed amended opinion (STEPHEN R. REINHARDT, MICHAEL DALY HAWKINS and RONALD M. GOULD) [8098698] (RP)

Date	No.	PROCEEDINGS
03/20/2012	54	MANDATE ISSUED. (SR, MDH and RMG) [8111035] (LC)
06/04/2012	55	Received letter from the Supreme Court dated 06/01/2012. The application for an ext of time within which to file a petition for a writ of cert has been presented to Justice Kennedy, who on 6/1/12 extended the time to and including 7/25/12. Application No: 11A1125. [8206315] (RR)
08/01/2012	56	Received notice from the Supreme Court: petition for certiorari filed on 07/25/2012. Supreme Court Number 12-123. [8271870] (RR)
11/23/2012	57	Received notice from the Supreme Court. Petition for certiorari GRANTED on 11/20/2012. Supreme Court Number 12-123. [8412647] (RR)

Date	No.	PROCEEDINGS
06/13/2013	64	Received copy of Supreme Court opinion dated 06/10/2013. The judgment or mandate of this Court will not issue for at least twenty-five days pursuant to Rule 45. Should a petition for rehearing be filed timely, the judgment or mandate will be further stayed pending this Court's action on the petition for rehearing. Supreme Court No: 12-123. [8671896] (RR)
6/27/2013	65	Filed (ECF) Appellants Don Durbahn, Estate of Rena Durbahn, Laura Horne, Marvin Horne, Lassen Vineyards, LLC and Raisin Valley Farms Marketing Association Correspondence: Notification of Supreme Court Judgment and Request for Additional Briefing. Date of service: 06/27/2013 [8684699] (JFC)

Date	No.	PROCEEDINGS
7/2/2013	66	Filed order (STEPHEN R. REINHARDT, MICHAEL DALY HAWKINS and RONALD M. GOULD) The parties are ordered to file supplemental briefs on (1) the relevance, if any, of the Supreme Court's decision in Horne v. Department of Agriculture, 569 U.S. ___, No. 12-123 (June 10, 2013), to the resolution of this case on the merits; (2) the relevance, if any, of any other precedent handed down after the initial merits briefs were filed by the parties; and (3) whether the parties think that a further oral argument may be helpful to decision on the merits. Appellants shall file their brief no later than 21 days from the filing date of this order. Appellee's brief shall be filed within 21 days of the filing of Appellants' brief. Appellants may file an optional reply brief within 7 days of the filing of Appellee's brief. The briefs shall not exceed 2500 words. [8689076] (SM)

Date	No.	PROCEEDINGS
7/12/2013	67	Received certified copy of Supreme Court 06/10/2013 judgment. On Writ Of Certiorari to the USCA for the 9th Circuit. This Cause came on to be heard on the transcript of the record from the above court and was argued by counsel. On Consideration Whereof, it is ordered and adjudged by this Court that the judgment of the above court is reversed with costs, and the case is remanded to the USCA for the 9th Circuit for further proceedings consistent with the opinion of this Court. It Is Further Ordered that the petitioners Marvin D. Horne, et al. recover from Department of Agriculture Eight Thousand Two Hundred Forty-eight Dollars and Forty-one cent ($8,248.41) for costs herein expended. Supreme Court case number: 12-123. [8701571] (RR)

Date	No.	PROCEEDINGS
7/23/2013	68	Submitted (ECF) Supplemental Brief for review. Submitted by Appellants Don Durbahn, Estate of Rena Durbahn, Laura Horne, Marvin Horne, Lassen Vineyards, LLC and Raisin Valley Farms Marketing Association. Date of service: 07/23/2013. [8714580] (JFC)
8/13/2013	71	Submitted (ECF) Supplemental Brief for review. Submitted by Appellee USDA. Date of service: 08/13/2013. [8741287] (JPW)
8/20/2013	73	Submitted (ECF) Supplemental Brief for review. Submitted by Appellants Don Durbahn, Estate of Rena Durbahn, Laura Horne, Marvin Horne, Lassen Vineyards, LLC and Raisin Valley Farms Marketing Association. Date of service: 08/20/2013. [8750149] (JFC)
10/29/2013	76	Filed clerk order (Deputy Clerk: WL): Oral argument will be held on Friday, February 14, 2014, at 10:00 a.m. in Courtroom Three of the James R. Browning United States Courthouse, 95 Seventh Street, San Francisco, California. Each side will be allotted twenty (20) minutes to present its arguments. [8842228] (WL)

Date	No.	PROCEEDINGS
11/15/2013	78	Submitted (ECF) excerpts of record. Submitted by Appellants Don Durbahn, Estate of Rena Durbahn, Laura Horne, Marvin Horne, Lassen Vineyards, LLC and Raisin Valley Farms Marketing Association. Date of service: 06/07/2010. [8864584] (BCL)
11/18/2013	79	Submitted (ECF) supplemental excerpts of record. Submitted by Appellee USDA. Date of service: 07/21/2010. [8865348] (JPW)
12/3/2013	83	Notice of Oral Argument on Friday, February 14, 2014 - 10:00 AM Courtroom 3, 3rd Floor James R. Browning US Courthouse San Francisco, CA. Please return ACKNOWLEDGMENT OF HEARING NOTICE form to: SAN FRANCISCO Office. Please open attached documents to view details about your case. [8887195] (RB)
2/11/2014	86	Filed (ECF) Appellee USDA citation of supplemental authorities. Date of service: 02/11/2014. [8974626] (JPW)

Date	No.	PROCEEDINGS
2/12/2014	87	Filed (ECF) Appellants Don Durbahn, Estate of Rena Durbahn, Laura Horne, Marvin Horne, Lassen Vineyards, LLC and Raisin Valley Farms Marketing Association citation of supplemental authorities. Date of service: 02/12/2014. [8976372] (MWM)
2/14/2014	88	ARGUED AND SUBMITTED TO STEPHEN R. REINHARDT, MICHAEL DALY HAWKINS, and RONALD M. GOULD. [8980142] (JO) [Entered: 02/14/2014 05:04 PM]
5/9/2014	89	FILED OPINION (STEPHEN R. REINHARDT, MICHAEL DALY HAWKINS and RONALD M. GOULD) AFFIRMED.Judge: MDH Authoring, FILED AND ENTERED JUDGMENT. [9089210] (RP)
7/18/2014	90	Received letter from the Supreme Court dated 07/16/2014 regarding the application for an ext. of time within which to file a petition for a writ of cert....extended the time to and including 9/8/14. Application No: 14A44. [9175050] (RR)

Date	No.	PROCEEDINGS
9/9/2014	92	Received notice from the Supreme Court: petition for certiorari filed on 09/08/2014. Supreme Court Number 14-275. [9234311] (RR)
1/21/2015	93	Received notice from the Supreme Court. Petition for certiorari GRANTED on 01/16/2015. Supreme Court Number 14-275. [9390215] (HH)

Raisin Administrative Committee
3445 North First Street, Suite 101
P.O. Box 5217
Fresno, CA 93755

ADMINISTERING THE FEDERAL MARKETING AGREEMENT AND ORDER REGULATING THE HANDLING OF CALIFORNIA RAISINS

FAX: (559) 225-0625
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April 2, 2004
Marvin and Laura Home
Raisin Valley Farms
3678 North Modoc
Kerman, CA 93630

Subject: Notification to Deliver Reserve Raisins

Dear Mr. and Mrs. Horne:

Raisin Valley Farms filed a Notification of Intention to Handle Raisins (RAC-5) with the Raisin Administrative Committee (RAC) for the 2003/2004-crop year on August 5, 2003. The RAC has determined that during the period from August 1, 2003 through February 29, 2004 that Raisin Valley Farms processed and packed 4,497,772 pounds of Natural Seedless raisins. This determination was made based upon inspections made by Processed Products Standardization and Inspection Branch of the United States Department of Agriculture. The inspection and certification information was provided to the RAC as required under §989.59(d) of the Federal Raisin Marketing Order.

Conversion of the packed weight using a five-year industry average (0.93746) factor results in a natural condition weight of 4,797,828 pounds. This amount would also be the free-tonnage raisin amount that Raisin Valley Farms should have reported to the RAC. With the free-tonnage percentage for the 2003/2004-crop year at 70%, reported receipts of Natural Seedless raisins by Raisin Valley Farms for the period should have been 6,854,040 pounds. The Natural Seedless raisin reserve percentage for the 2003/2004-crop year is 30% and the reserve obligation for Raisin Valley Farms is 2,056,212 pounds (1,028.106 tons).

Pursuant to §989.66(b)(4), the RAC requests delivery of the Natural Seedless reserve obligation of Raisin Valley Farms of 2,056,212 pounds of natural condition Natural Seedless raisins. Reserve raisins delivered must meet the minimum grade and condition standards per §989.66(d). The RAC will have trucks at the reserve storage location indicated on the RAC-5, 2267 N. Lassen, Kerman, California, on Friday, April 9, 2004 at 8:00 a.m. to begin picking up the reserve obligation.

Sincerely,

John N. Beck
President

Cc: Maureen Pello, USDA/CAMFO

Raisin Administrative Committee
3445 North First Street, Suite 101
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ADMINISTERING THE FEDERAL MARKETING AGREEMENT AND ORDER REGULATING THE HANDLING OF CALIFORNIA RAISINS

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April 9, 2004

Marvin and Laura Horne
Raisin Valley Farms
3678 North Modoc
Kerman, CA 93630

Subject: Failure to Deliver Reserve Raisins

Dear Mr. and Mrs. Horne:

On April 2, 2004, the Raisin Administrative Committee (RAC), pursuant to §989.66(b)(4), requested delivery of 2,056,212 pounds (1,028.106 tons) of Natural Seedless reserve raisin obligation from Raisin Valley Farms. The RAC had trucks at the reserve storage location indicated on the RAC-5, 2267 N. Lassen, Kerman, California, on Friday, April 9, 2004 at 8:00 a.m. to pick up these reserve raisins. Raisin Valley Farms failed to deliver the requested reserve raisins.

The Raisin Marketing Order, §989.166(c), provides for remedy in the event a handler fails to deliver reserve tonnage raisins. The handler shall compensate the RAC the average price received by producers multiplied by the quantity of reserve

raisins not delivered plus cost incurred by the RAC on account of the handler's failure to deliver. The current established field price for Natural Seedless raisins is $810/ton.

The RAC demands remedy from Raisin Valley Farms in the amount of $832,765.86 for failure to deliver the requested reserve tonnage. Please make payment to the RAC by cashier's check by Wednesday, April 14, 2004.

Sincerely,

John N. Beck
President

Cc: Maureen Pello, USDA/CAMFO